

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JAMES EDWARD O'CONNELL	§	
	§	
v.	§	CIVIL ACTION NO. 1:08CV312-LG-RHW
	§	
DWAIN BREWER	§	RESPONDENT

ORDER ADOPTING REPORT AND RECOMMENDATION

BEFORE THE COURT is the Report and Recommendation [11] entered by United States Magistrate Judge Robert H. Walker on January 15, 2009. Magistrate Judge Walker recommends that this Court grant the Motion to Dismiss [5] filed by the respondent, Dwain Brewer, on August 18, 2008, and that this Court deny the petitioner, James Edward O'Connell's request for habeas corpus relief.

O'Connell¹ was advised that he must file any objections to Magistrate Judge Walker's recommendations within ten days of being served with a copy of the Report and Recommendation. The Court record reveals that O'Connell has not filed an objection to the Report and Recommendation.

Where no party has objected to the Magistrate Judge's report and recommendation, the Court need not conduct a *de novo* review of it. *See* 28 U.S.C. § 636(b)(1) ("A judge of the court shall make a *de novo* determination of those portions of the report or specified proposed findings and recommendations to which objection is made."). In such cases, the Court need only satisfy itself that there is no clear error on the face of the record. *Douglass v. United Serv. Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996).

¹ O'Connell, who is an inmate at the Stone County Correctional Facility, is represented by counsel.

Having conducted the required review, the Court finds that the Magistrate Judge's Report and Recommendation is neither clearly erroneous nor contrary to law. Therefore, the Court finds that the Report and Recommendation entered by United States Magistrate Judge Robert H. Walker should be adopted as the opinion of this Court.

IT IS, THEREFORE, ORDERED AND ADJUDGED that the Report and Recommendation [11] entered by United States Magistrate Judge Robert H. Walker, be, and the same hereby is, adopted as the finding of this Court. This lawsuit is hereby **DISMISSED**.

IT IS FURTHER ORDERED AND ADJUDGED that the Motion to Dismiss [5] filed by the respondent is **GRANTED** and the petitioner, James Edward O'Connell's Petition for Writ of Habeas Corpus is **DENIED**.

SO ORDERED AND ADJUDGED this the 4th day of February, 2009.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE